

HOUSE BILL 392

A2

(2lr0380)

ENROLLED BILL

— *Economic Matters/Education, Health, and Environmental Affairs* —

Introduced by **Delegates Hammen, Clippinger, and McHale**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this

_____ day of _____ at _____ o'clock, _____ M.

Speaker.

CHAPTER _____

1 AN ACT concerning

2 **Baltimore City – Alcoholic Beverages Licenses – Memorandum of**
3 **Understanding**

4 FOR the purpose of ~~requiring~~ *authorizing* the Baltimore City Board of Liquor License
5 Commissioners to make the issuance and renewal of certain alcoholic beverages
6 licenses conditional on the *substantial* compliance of the license holder with a
7 certain memorandum of understanding; making certain stylistic changes;
8 establishing that the existence of a certain memorandum does not affect any
9 requirement of any individuals to file a certain protest; *defining a certain term*;
10 and generally relating to the issuance of alcoholic beverages licenses in
11 Baltimore City.

12 BY repealing and reenacting, with amendments,
13 Article 2B – Alcoholic Beverages
14 Section 10–104(a) and (d)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.

Italics indicate opposite chamber/conference committee amendments.



1 Annotated Code of Maryland
2 (2011 Replacement Volume)

3 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
4 MARYLAND, That the Laws of Maryland read as follows:

5 **Article 2B – Alcoholic Beverages**

6 10–104.

7 (a) [The following requirements] **A REQUIREMENT** for AN application for
8 [county licenses] **A LICENSE IN THIS SECTION** shall be applicable in [these counties,]
9 **A COUNTY OR BALTIMORE CITY** as AN additional [requirements] **REQUIREMENT**
10 except where inconsistent with [those listed elsewhere] **A REQUIREMENT**
11 **OTHERWISE PROVIDED** in this subtitle[:].

12 (d) **(1)** In Baltimore City the certificate shall be signed by at least three
13 citizens who shall be owners of real estate and registered voters of the City, setting
14 forth a statement that the applicant is personally known to them and has been a
15 resident or a taxpayer of the City for two years and a resident of the State of Maryland
16 for two years preceding the presentation to them of the application, and in the case of
17 a corporation at least one of the applicants is personally known to them and has been
18 a resident or taxpayer of the City for a period of at least two years and a resident of
19 the State of Maryland for two years preceding the presentation to them of the
20 application and is a registered voter; and in the case of a partnership that all members
21 of the partnership have been residents or taxpayers of the City for at least a period of
22 two years and a resident of the State of Maryland for two years preceding the
23 presentation of the application to them.

24 **(2) (I) IN THIS PARAGRAPH, “COMMUNITY ASSOCIATION”**
25 **MEANS:**

26 **1. A NONPROFIT ASSOCIATION, CORPORATION, OR**
27 **OTHER ORGANIZATION THAT IS:**

28 **A. COMPOSED OF RESIDENTS OF A COMMUNITY**
29 **WITHIN WHICH A NUISANCE IS LOCATED;**

30 **B. OPERATED EXCLUSIVELY FOR THE PROMOTION OF**
31 **SOCIAL WELFARE AND GENERAL NEIGHBORHOOD IMPROVEMENT AND**
32 **ENHANCEMENT; AND**

33 **C. EXEMPT FROM TAXATION UNDER § 501(C)(3) OR**
34 **(4) OF THE INTERNAL REVENUE CODE; OR**

1 **2. A NONPROFIT ASSOCIATION, CORPORATION, OR**
2 **OTHER ORGANIZATION THAT IS:**

3 **A. COMPOSED OF RESIDENTS OF A CONTIGUOUS**
4 **COMMUNITY THAT IS DEFINED BY SPECIFIC GEOGRAPHIC BOUNDARIES, WITHIN**
5 **WHICH A NUISANCE IS LOCATED;**

6 **B. OPERATED FOR THE PROMOTION OF THE**
7 **WELFARE, IMPROVEMENT, AND ENHANCEMENT OF THAT COMMUNITY; AND**

8 **C. IN GOOD STANDING WITH THE STATE**
9 **DEPARTMENT OF ASSESSMENTS AND TAXATION.**

10 **(II)** IN BALTIMORE CITY, IF A COMMUNITY
11 ASSOCIATION AND AN APPLICANT FOR THE ISSUANCE OR RENEWAL OF A CLASS
12 B OR D ALCOHOLIC BEVERAGES LICENSE HAVE ENTERED INTO A MEMORANDUM
13 OF UNDERSTANDING THAT EXPRESSLY ACKNOWLEDGES THE AUTHORITY OF
14 THE BOARD UNDER THIS ARTICLE, THE BOARD OF LIQUOR LICENSE
15 COMMISSIONERS ~~SHALL~~ MAY MAKE THE ISSUANCE OR RENEWAL OF THE
16 LICENSE CONDITIONAL ON THE SUBSTANTIAL COMPLIANCE OF THE APPLICANT
17 WITH THE MEMORANDUM OF UNDERSTANDING.

18 **(III)** THE EXISTENCE OF A MEMORANDUM OF
19 UNDERSTANDING DOES NOT AFFECT ANY REQUIREMENT OF ANY INDIVIDUALS
20 TO FILE A PROTEST UNDER ~~§§ 10-301 OR 10-403~~ § 10-301 OR § 10-403 OF THIS
21 TITLE.

22 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
23 July 1, 2012.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.